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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,550	03/14/2000	TREVOR JOHN BURKE	078986-0209	5213

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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/24/2004

31

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,550

Applicant(s)

BURKE, TREVOR JOHN

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-37 and 40-46 is/are rejected.
- 7) ☒ Claim(s) 38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Regarding a first matter, the application includes claims 25-46, not claims 23-44.

Applicant canceled claims 23 and 24 in a preliminary amendment filed 01/07/2000.

Applicant is directed to renumber the claims accordingly (the examiner has addressed them as if correctly numbered).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-46 are now rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (cited and provided by applicant).

The video display and editing system of Takahashi (noting Fig. 8) enables presentation of a program as a sequence of program segments from a set of pre-recorded segments, the system including classifying the program segments based on content (e.g. col. 6 lines 43-45) whereby each segment can be associated with a content classification and in turn is stored according to the classification (storage databases 21, 22, 25 and 26 accounting for the segments based on various classification codes), such as by character names or background identifiers (col. 8 lines 11-15); generating a presentation made up of the segments on display 18 by accessing the databases using the classification codes of the respective program segments (col. 18n lines 51+); the user being aided by the ability to access a display icon 33 (e.g. col. 6 line 44; col. 11 lines 57-63); whereby the icon selection is done during simultaneous display of the icons and program (e.g. col. 4 lines 38-45), thereby meeting claims 25, 45 and 46.

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As for claim 26, the segment classifications are related to events to which they represent (Takahashi citing examples of actor or background pointed out above), wherein the databases store the segments according to descriptive keywords.

As for claims 27, 28 and 44, Takahashi applies plural different segment dividers including one based on probability, the assessments involving subjective analysis of the degree of content scene change within upper and lower thresholds (col. 10 lines 49-57).

Considering claim 29, the icons are displayed in according to the temporal order of events in the program (col. 11 lines 18-25).

As for claim 30, the user has available to him various editing options, including displaying only the icons selected for access (col. 15 line 32+).

Regarding claim 31, Takahashi is capable of presenting plural segments simultaneously (col. 15 lines 32-36).

As for claim 32, the video (and the inherently accompanying audio) is presented together upon selection of an icon in typical playback manner from the laser disk program (source 16).

As for claim 33, Takahashi can also display still and motion images simultaneously (noting again col. 15 lines 32-36).

Concerning claims 34-36, the segmented programming is sent to motion image storage and display unit 10 (by way of LD player 17) as file data, which has ID codes (identifiers 89) associated therewith. Input device 15 enables the specific edited selections to be presented to the viewer.

As for claim 37, the data carrier is internal to motion image storage and display unit.

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As for claim 42, the user can select a segment using the classification data, wherein the presentation of the segment is itself an alert by virtue of it being displayed.

As for claim 43, each classification code includes a subjective value per segment (Data 52 in Fig. 13).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40 and 41 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. in view of Klosterman (of record).

It would have been obvious to one of ordinary skill in the art to access other data related to a program segment for the clear purpose of offering the viewer with additional products or services pertaining to the programming in which he is currently interested (since he chose to watch it), as taught by Klosterman (Figs. 3a, 3b) who associates advertisements with the programs in question.

4. Claims 38 and 39 appear allowable over the prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner

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